

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OMAR KING,
Plaintiff,

v.

KINGSLEY, et al.,
Defendants.

Case No. 2:22-cv-04484-FLA (BFM)

**ORDER ACCEPTING
MAGISTRATE JUDGE'S
INTERIM REPORT AND
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the court has reviewed the First Amended Complaint, the records and files herein, and the Magistrate Judge's Interim Report and Recommendation. No objections to the Interim Report and Recommendation were filed. The court accepts the recommendations of the Magistrate Judge.

ACCORDINGLY, IT IS ORDERED:

1. The Interim Report and Recommendation is accepted.
2. Defendants' motion for partial summary judgment and motion to dismiss (Dkt. 28) is **granted in part** and **denied in part** as follows:

(a) summary judgment is **granted** as to Plaintiff's First Amendment retaliation claims and those claims are **dismissed, without prejudice**, for failure to exhaust administrative remedies.

1 (b) summary judgment is **denied** in all other respects.


2 (c) Defendants' motion to dismiss Plaintiff's retaliation claims against
3 Defendants is **denied as moot**.

4 (d) Defendants' motion to dismiss the Eighth Amendment excessive force
5 claim against Officer Kingsley is **denied**.

6 (e) Defendants' motion to dismiss the Eighth Amendment cover-up
7 claims against Defendants is **granted** and those claims are **dismissed**
8 **without leave to amend**.

9 3. Officer Kingsley shall file an Answer to the surviving portions of
10 the First Amended Complaint within twenty (20) days of this Order.

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12 Dated: February 5, 2024

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15 FERNANDO L. AENLLE-ROCHA
16 United States District Judge
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